

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	Plaintiff,	)
vs.	)	Case No. 04-0240-01-CR-W-FJG
Kenneth L. Richey,	)	
	Defendant.	

**ORDER**

Pending before the Court is defendant's motion to suppress physical evidence (Doc. #29), filed November 16, 2004. Defendant filed supplemental suggestions in support (Doc. #37) on January 10, 2005, and second supplemental suggestions (Doc. #52) on April 4, 2005. Plaintiff filed a response and suggestions in opposition (Doc. #30) on November 29, 2004, and a response to defendant's supplemental suggestions (Doc. #39) on January 18, 2005.

On April 8, 2005, United States Magistrate Judge Sarah W. Hays entered a report and recommendation (Doc. #58) which recommended denying the above-mentioned motion. Defendant's objections to Magistrate Hays' report and recommendation were filed on April 22, 2005 (Doc. #63).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress physical evidence (Doc. #29), filed November 16, 2004, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress physical evidence (Doc. #29), filed November 16, 2004, is denied.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
United States District Judge

Dated: June 8, 2005  
Kansas City, Missouri